

Aug 04, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHN HARRISON CANON, IV,

Petitioner,

v.

COMMANDER CROSKEY,

Respondent.

NO: 4:19-CV-5265-RMP

ORDER DISMISSING ACTION

By Order filed June 5, 2020, the Court directed Petitioner John Harrison Canon, IV, a *pro se* prisoner at the Coyote Ridge Corrections Center, to show cause why his Petition for Writ of Habeas Corpus, filed on November 18, 2019, while he was a pretrial detainee at the Benton County Jail, should not be dismissed for failure to exhaust state court remedies. ECF No. 10 at 4. The Court cautioned Petitioner that his failure to respond would be construed as his consent to dismissal of this action. *Id.* at 5.

Petitioner did not comply with the Order and has filed nothing further in this action. Accordingly, for the reasons set forth in the Order to Show Cause, **IT IS**

ORDER DISMISSING ACTION -- 1

1 **ORDERED** this action is **DISMISSED WITHOUT PREJUDICE** for failure to
2 exhaust available state court remedies. *See Peterson v. Lampert*, 319 F.3d 1153,
3 1156 (9th Cir. 2003); *Vang v. Nevada*, 329 F.3d 1069, 1075 (9th Cir. 2003).

4 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
5 Order, enter judgment, provide copies to Petitioner, and **close the file**. The Court
6 certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could
7 not be taken in good faith, and there is no basis upon which to issue a certificate of
8 appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of
9 appealability is therefore **DENIED**.

10 **DATED** August 4, 2020.

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12 *s/ Rosanna Malouf Peterson*
13 ROSANNA MALOUF PETERSON
14 United States District Judge
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